

REMARKS

In the office communication mailed on June 23, 2005, the Examiner stated that the current pending claims (i.e., claims 289-346) have allegedly no support in the originally filed group XII claims and are allegedly directed to non-elected subject matter. As a result, the current pending claims were deemed by the Examiner to be non-responsive to the previous office action. In support of the above, the Examiner cited MPEP Section 821.03, which stated that “an amendment canceling all claims drawn to the elected invention and presenting only claims drawn to the nonelected invention should not be entered.”

Applicant respectfully traverses the Examiner’s statements for the following reasons.

First, Section 821.03 of the MPEP is not applicable to the present case. Applicant has not canceled any of the elected claims. Instead, Applicant merely amended some of the pending claims to distinguish them over the references previously cited by the Examiner.

Second, the current pending claims are not drawn to any of the other non-elected claim groups. Applicant has reviewed all of the original claims (as filed in 1992) and could not find any other non-elected claim group that includes claims similar in scope to the current pending claims.

Third, the current pending claims are supported by both the Specification and the Figures. The original claims 289-346 were intended to cover at least the exemplary embodiment illustrated in Figure 20C. In the response filed on March 16, 2005, Applicant merely amended the independent claims to add additional features illustrated in at least Figure 20C to distinguish the claims over the cited references.

Thus, based on all of the foregoing, Applicant respectfully urges the Examiner to withdraw the office communication mailed on June 23, 2005, and to consider the response filed on March 16, 2005 as being fully responsive and a proper submission under 37 CFR 1.114.

Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

By:


Roxana H. Yang
Registration No. 46,788

PATENTESQUE LAW GROUP, LLP
P.O. Box 400
Los Altos, CA 94023
(650) 948-0822